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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,995	01/25/2001	Hong Yang	80398.P344	7543

7590

06/01/2005

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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,995

Applicant(s)

YANG ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12 January 2005 have been fully considered but they are not persuasive.

The applicant has traversed the rejection of claims 1-39 under 35 USC 102(b) as being anticipated by Young et al (USP 5,532,754), cited by examiner.

As for the arguments stating that Young does not expressly or inherently disclose (1) providing a plurality of upcoming program information display options on a display options menu, (2) receiving the selected upcoming program information display options, and (3) display the upcoming program information, the examiner must respectfully disagree. As per the original rejection to claim 1, the setup screen depicted in Figure 25 and described in column 22, lines 32-49 meets the claimed "providing a plurality of upcoming program information display options on a display options menu". The setup screen for the background guide can be found in Figure 25, as previously pointed out by the examiner. To further clarify, the information being displayed in the "background guide" is information about upcoming programs (programs that will be displayed in the near future, or the time-span set by the user in the background guide setup screen of Figure 25). The "background guide setup screen" is used to display setup options of the "background guide", therefore, it is a "display options menu providing a plurality of upcoming program information display options". The "background setup guide" provides options for altering the appearance and functionality of the "background guide" [col. 24, lines 12-32], therefore, it corresponds to the claimed "display options menu",

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which according to the claimed invention, provides the same or similar options for the claimed “upcoming program information display”. Also, as per the original rejection to claim 1, the setup screen depicted in Figure 25 and described in column 22, lines 32-49 and column 24, lines 12-32, is used by the user to setup specific criteria for the background guide, which is consequently stored in electronic memory [col. 22, lines 36-37]. This interaction (user/setup screen interaction) meets the claimed “receiving the selected upcoming program information display options” because the user is specifying the way in which the background guide (and consequently, the information on upcoming programs) is to be displayed. Finally, the step of “displaying the upcoming program information specified by the selected display options on the monitor display screen” is met by Figures 26a and 26b and column 22, line 50 – column 23, line 14, wherein Young discloses the display of the background guide (the information on upcoming programs) based on the information gathered in the background guide setup screen. To clarify further, it has already been established that since the background guide displays information relating to upcoming programming (programs that will be displayed in the near future, or the time-span set by the user in the background guide setup screen of Figure 25), that it meets the claimed “upcoming program information display”.

As for the argument wherein the applicant states, “scrolling listings is not the same as showing upcoming program information display options, displaying upcoming program information. Scrolling requires the user to interact with the system while displaying upcoming program information does not require the user to scroll.” The examiner must respectfully disagree with this analysis. As is recognized by the

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applicant on page 12 of the arguments, "The background mode enables the viewer to manually **or automatically scroll** through pre-selected portions of the schedule information" [col. 21, lines 65-67]. The time-span for the upcoming schedule information to be displayed and the ability to automatically scroll the display are disclosed with reference to the setup screen of Figure 25. The user can select these options to automatically scroll and display the upcoming program information **without user interaction**.

As for the argument wherein the applicant states, "regarding claims 2-4, the Examiner refers to Figure 21, which shows a front panel for a remote control of the schedule system. This is not related to Figure 25, which shows the setup screen as the basis of the Examiner's rejection". The examiner must respectfully disagree with portions of this statement. While Figure 21 does refer to the remote control for inputting user commands to the system, it is not unrelated to Figure 25. The remote control of Figure 21 is used for controlling the system and interacting with the setup screen of Figure 25, therefore, they are very much related and used by the user in order to set up and configure the "background guide" display options. The following is meant to further clarify the examiner's original rejections to claims 2-4. As for claim 2, the examiner cited the return button of the remote control of Figure 21 as meeting the return feature of the display options menu. The return button of the remote control, which serves to go back a step within a menu or process, is used simultaneously with the setup screen of Figure 25 and other screens within the system for controlling and interacting therewith. Therefore, the original rejection still stands. As for claim 3, the examiner cited the help

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button on the remote control of Figure 21 as meeting the help feature of the display options menu. The help button of the remote control, which serves to help a user, through guidance, to accomplish a task, is used simultaneously with the setup screen of Figure 25 and other screens within the system for controlling and interacting therewith. Therefore, the original rejection still stands. As for claim 4, the examiner cited the abstract wherein it states, "with the cursor, the entire cell is 3-D highlighted, using a conventional offset shadow..." to meet the claimed "highlighting". The examiner still maintains this rejection on the same grounds as previously cited. The highlighted options are clearly disclosed by the statement in the abstract.

As for the argument wherein the applicant states, "regarding claim 5, Young discloses that the setup screen occupies all of the television screen, making it impossible to be a pop-up screen. Even if the setup screen occupies only the same portion as the background guide, it is not a pop-up window". The examiner, again, must respectfully disagree with this analysis. According to the original rejection of claim 5, the examiner stated that the "setup screen can be made to only occupy the same portion of the television screen as the background guide, making it a popup [col. 24, lines 13-19]. For further clarification, the examiner states for the record that a commonly accepted definition of the word "pop-up window" as found in the Microsoft Computer Dictionary 5th Edition states, "A window that appears when an option is selected." Therefore, the setup screen, which occupies a portion of the television screen, as discussed in the previous art rejection meets the claimed pop-up window.

As for the argument wherein the applicant states, "regarding claim 9, Young merely discloses that a session is completed if the background guide has not been accessed for a certain period of time. This is not the same as not displaying the upcoming programming information after expiration of the specified amount of time. The display of the background guide is controlled by pressing the background guide command, not by the completion of a session". In the original rejection to claim 9, the examiner made note of the fact that the session is completed if the background guide has not been accessed for a certain period of time [col. 22, lines 44-47]. For further clarification, one can understand that the background guide would no longer be displayed if the session were expired. The background guide display is dependant upon the session (as noted on column 22, lines 36-37), and if the session has expired, therefore, so has the background guide. Upon reaching a certain period of time with no background guide access, the session will have expired, and therefore the background guide will not be displayable.

In view of the above mentioned arguments and the below mentioned original office action, the rejection is thus maintained and this Office Action is made Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al (U.S. Pat. No. 5,532,754), cited by examiner.

Young discloses a system for setting up and displaying a "background guide" through user input. The background guide and setup screens function similarly to the claimed upcoming program information and options menus. The rejections below will give more specific details.

With regards to claim 1, the claimed method for displaying upcoming program information on a monitor display screen is met as follows: The claimed step of providing, on a display options menu, a plurality of upcoming program information display options, at least one of the upcoming program information display options being selected by a user, is met by the setup screen of Young depicted in Figure 25. Column 22, lines 32-49 describe the setup of the background screen, which serves to display upcoming program information to the user via the screen. "Setup criteria for the background is persistent...one or all criteria may be manually changed without terminating a session. Some criteria may be automatically changed if the cursor or setup of the foreground guide is changed" (column 22, lines 32-49). The step of receiving selected upcoming program information display options to specify the upcoming program information to be displayed is met by column 22, lines 36-37, wherein Young states that "during a session, specific setup criteria for the background is persistent and stored in electronic memory." In other words, the method of receiving is accomplished by storing the user input and using that to accomplish the display of the upcoming program information. The step of displaying

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the upcoming program information specified by the selected display option on the monitor display screen is met by figures 26a and 26b and column 22, line 50 – column 23, line 14, wherein Young discloses the display of the background guide based on the information gathered in the background guide setup screen.

With regards to claim 2, Young teaches all of that which is discussed above with regards to claim 1. The claimed display options menu having a return feature, allowing the user to navigate back to the preferences menu, the return feature being able to be selected by the user is met by the return button on the remote control of Young (Figure 21), which serves to go back a step within a menu or process.

With regards to claim 3, Young teaches all of that which is discussed above with regards to claim 1. The claimed display options menu having a help feature, allowing the user to navigate to several dependant help categories, the help feature being able to be selected by the user is met by the Help button on the remote control of Young (Figure 21), which serves to help a user, through guidance, to accomplish a task.

With regards to claim 4, Young teaches all of that which is discussed above with regards to claim 1. The claimed selected upcoming program information display options being indicated by highlighting is met by the Abstract, wherein Young states, "with the cursor, the entire cell is 3-D highlighted, using a conventional offset shadow. The offset shadow is a black bar that underlines the entire cell and wraps around the right edge of the cell."

With regards to claim 5, Young teaches all of that which is discussed above with regards to claim 1. The claimed display options menu being displayed in a popup window on the monitor display screen is met by column 22, lines 48-49, wherein Young discloses that the "setup screen occupies all of television screen", Young later goes on to disclose that the setup screen can be made to only occupy the same portion of the television screen as the background guide, making it a popup (column 24, lines 13-19).

With regards to claim 6, Young teaches all of that which is discussed above with regards to claim 1. The claimed step of presenting a title on display, the title corresponding to an upcoming program to be shown on the same channel is met by Figure 26A and column 24, lines 20-32, wherein Young discloses that the upcoming listings can be scrolled based on the current channel.

With regards to claim 7, Young teaches all of that which is discussed above with regards to claim 1. The step of presenting a starting and ending time of the upcoming program is met by Figure 26A and column 24, lines 20-32, wherein Young discloses and shows a starting and ending time for each program.

With regards to claim 8, Young teaches all of that which is discussed above with regards to claim 1. The claimed selected upcoming program information display options being selected from the group consisting of a source option such that the user can specify a source for which the upcoming program information is desired and a time option such that the user can specify a time period for which the upcoming program information is desired is met by column 24, lines 28-32 and lines

49-54. Young teaches that the user can specify a time period for display of upcoming information on the background guide. Young further teaches that the user can define favorite channels and define a list of channels (the source) that he/she wants displayed on the background guide.

With regards to claim 9, Young teaches all of that which is discussed above with regards to claim 1. The claimed upcoming program information being displayed for a specified amount of time, the amount of time being preprogrammed by a user, such that the upcoming program information is no longer displayed after expiration of the specified amount of time is met by Young, column 22, lines 44-47, wherein he discloses that "a session is completed if the background guide has not been accessed for a certain period of time". If the session is completed, it is understood that the background guide is no longer visible after that "certain period of time".

With regards to claim 10, Young teaches all of that which is discussed above with regards to claim 1 and 9. The claimed specified amount of time being five seconds is met by the "certain period of time" discussed above in the rejection to claim 9. The fact that the claim particularly points out 5 seconds as the elapsed time for closure of the background guide is not a patentable distinction above the Young reference.

With regards to claim 11, Young teaches all of that which is discussed above with regards to claim 1. The claimed upcoming program information being displayed in the bottom right hand corner of the monitor display screen is met by Figure 26A,

wherein Young shows the information being displayed in the bottom left and the bottom right of the display screen.

With regards to claim 12, Young teaches all of that which is discussed above with regards to claim 1. The claimed upcoming program information being displayed in a rectangular shaped box on the monitor display screen is met by Figure 26A, wherein Young shows the information being displayed in a rectangular shaped box on the display screen.

With regards to claim 13, the machine-readable medium that provides instructions is met by the Young reference, wherein he discloses a CPU 228 and memory 232-240 that do all of the processing and storage within the system. The claimed step of providing, on a display options menu, a plurality of upcoming program information display options, at least one of the upcoming program information display options being selected by a user, is met by the setup screen of Young depicted in Figure 25. Column 22, lines 32-49 describe the setup of the background screen, which serves to display upcoming program information to the user via the screen. "Setup criteria for the background is persistent... one or all criteria may be manually changed without terminating a session. Some criteria may be automatically changed if the cursor or setup of the foreground guide is changed" (column 22, lines 32-49). The step of receiving selected upcoming program information display options to specify the upcoming program information to be displayed is met by column 22, lines 36-37, wherein Young states that "during a session, specific setup criteria for the background is persistent and stored in

electronic memory.” In other words, the method of receiving is accomplished by storing the user input and using that to accomplish the display of the upcoming program information. The step of displaying the upcoming program information specified by the selected display option on the monitor display screen is met by figures 26a and 26b and column 22, line 50 – column 23, line 14, wherein Young discloses the display of the background guide based on the information gathered in the background guide setup screen.

With regards to claim 14, Young teaches all of that which is discussed above with regards to claim 13. The claimed display options menu having a return feature, allowing the user to navigate back to the preferences menu, the return feature being able to be selected by the user is met by the return button on the remote control of Young (Figure 21), which serves to go back a step within a menu or process.

With regards to claim 15, Young teaches all of that which is discussed above with regards to claim 14. The claimed display options menu having a help feature, allowing the user to navigate to several dependant help categories, the help feature being able to be selected by the user is met by the Help button on the remote control of Young (Figure 21), which serves to help a user, through guidance, to accomplish a task.

With regards to claim 16, Young teaches all of that which is discussed above with regards to claim 14. The claimed selected upcoming program information display options being indicated by highlighting is met by the Abstract, wherein Young states, “with the cursor, the entire cell is 3-D highlighted, using a

conventional offset shadow. The offset shadow is a black bar that underlines the entire cell and wraps around the right edge of the cell.”

With regards to claim 17, Young teaches all of that which is discussed above with regards to claim 14. The claimed display options menu being displayed in a popup window on the monitor display screen is met by column 22, lines 48-49, wherein Young discloses that the “setup screen occupies all of television screen”, Young later goes on to disclose that the setup screen can be made to only occupy the same portion of the television screen as the background guide, making it a popup (column 24, lines 13-19).

With regards to claim 18, Young teaches all of that which is discussed above with regards to claim 14. The claimed step of presenting a title on display, the title corresponding to an upcoming program to be shown on the same channel is met by Figure 26A and column 24, lines 20-32, wherein Young discloses that the upcoming listings can be scrolled based on the current channel.

With regards to claim 19, Young teaches all of that which is discussed above with regards to claim 14. The step of presenting a starting and ending time of the upcoming program is met by Figure 26A and column 24, lines 20-32, wherein Young discloses and shows a starting and ending time for each program.

With regards to claim 20, Young teaches all of that which is discussed above with regards to claim 14. The claimed selected upcoming program information display options being selected from the group consisting of a source option such that the user can specify a source for which the upcoming program information is desired

and a time option such that the user can specify a time period for which the upcoming program information is desired is met by column 24, lines 28-32 and lines 49-54. Young teaches that the user can specify a time period for display of upcoming information on the background guide. Young further teaches that the user can define favorite channels and define a list of channels (the source) that he/she wants displayed on the background guide.

With regards to claim 21, Young teaches all of that which is discussed above with regards to claim 14. The claimed upcoming program information being displayed for a specified amount of time, the amount of time being preprogrammed by a user, such that the upcoming program information is no longer displayed after expiration of the specified amount of time is met by Young, column 22, lines 44-47, wherein he discloses that "a session is completed if the background guide has not been accessed for a certain period of time". If the session is completed, it is understood that the background guide is no longer visible after that "certain period of time".

With regards to claim 22, Young teaches all of that which is discussed above with regards to claim 14 and 21. The claimed specified amount of time being five seconds is met by the "certain period of time" discussed above in the rejection to claim 9. The fact that the claim particularly points out 5 seconds as the elapsed time for closure of the background guide is not a patentable distinction above the Young reference.

With regards to claim 23, Young teaches all of that which is discussed above with regards to claim 14. The claimed upcoming program information being displayed in

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the bottom right hand corner of the monitor display screen is met by Figure 26A, wherein Young shows the information being displayed in the bottom left and the bottom right of the display screen.

With regards to claim 24, Young teaches all of that which is discussed above with regards to claim 14. The claimed upcoming program information being displayed in a rectangular shaped box on the monitor display screen is met by Figure 26A, wherein Young shows the information being displayed in a rectangular shaped box on the display screen.

With regards to claim 25, the system for displaying upcoming program information is met as follows: The claimed display, is met by the TV Monitor 210 of Figure 22A. The claimed input configured to receive user input is met by the Infrared Remote Driver 214 and Remote Control 212 of Figure 22A. The claimed processor coupled to the display and the input, wherein the processor can display a broadcast of a program, receive upcoming program information, overlay a display of at least one portion of the broadcast with at least one portion of the upcoming program information is met by the CPU 228 of Figure 22A, which is coupled to the aforementioned TV Monitor 210 and Infrared Remote Driver 214/Remote Control 212. The processor's ability to display a broadcast of a program is met by line 216 of Figure 22A, which serves to direct the cable broadcast to the TV Monitor. The processor's ability to receive upcoming program information is met by the VBI Decoder 222 and Schedule Memory 232, which both serve to decode and store the upcoming program information. The processor's ability to overlay the upcoming

information onto the display of the television broadcast is met by column 1, lines 27-31, wherein Young teaches the processor's ability to overlay information onto the television broadcast.

With regards to claim 26, Young teaches all of that which is discussed above with regards to claim 25. The claimed portion of the upcoming program information being displayed for a specified amount of time, the amount of time being preprogrammed by a user, such that the upcoming program information is no longer displayed after expiration of the specified amount of time is met by Young, column 22, lines 44-47, wherein he discloses that "a session is completed if the background guide has not been accessed for a certain period of time". If the session is completed, it is understood that the background guide is no longer visible after that "certain period of time".

With regards to claim 27, Young teaches all of that which is discussed above with regards to claim 25. The claimed portion of the upcoming program information being selected from the group consisting of a source, such that the upcoming program information being displayed is for a user- specified source, and a time, such that the upcoming program information being displayed is for a user-specified time period is met by column 24, lines 28-32 and lines 49-54. Young teaches that the user can specify a time period for display of upcoming information on the background guide. Young further teaches that the user can define favorite channels and define a list of channels (the source) that he/she wants displayed on the background guide.

With regards to claim 28, Young teaches all of that which is discussed above with regards to claim 25. The claimed portion of the upcoming program information including a starting and ending time of the upcoming program is met by Figure 26A and column 24, lines 20-32, wherein Young discloses and shows a starting and ending time for each program.

With regards to claim 29, Young teaches all of that which is discussed above with regards to claim 25. The claimed portion of the upcoming program information including a title, the title corresponding to an upcoming program to be shown on the same channel is met by Figure 26A and column 24, lines 20-32, wherein Young discloses that the upcoming listings can be scrolled based on the current channel.

With regards to claim 30, the method for displaying upcoming program information is met as follows: The claimed step of displaying a broadcast program, is met by line 216 of Figure 22A, which serves to direct the cable broadcast to the TV Monitor 210. The claimed step of receiving upcoming program information is met by the VBI Decoder 222 and Schedule Memory 232, which both serve to decode and store the upcoming program information. The claimed step of displaying at least one portion of the upcoming program information over the displayed broadcast is met by column 1, lines 27-31, wherein Young teaches the ability to overlay information onto the television broadcast.

With regards to claim 31, Young teaches all of that which is discussed above with regards to claim 30. The claimed portion of the upcoming program information being displayed for a specified amount of time, the amount of time being preprogrammed

by a user, such that the upcoming program information is no longer displayed after expiration of the specified amount of time is met by Young, column 22, lines 44-47, wherein he discloses that "a session is completed if the background guide has not been accessed for a certain period of time". If the session is completed, it is understood that the background guide is no longer visible after that "certain period of time".

With regards to claim 32, Young teaches all of that which is discussed above with regards to claim 30. The claimed portion of the upcoming program information being selected from the group consisting of a source, such that the upcoming program information being displayed is for a user-specified source, and a time, such that the upcoming program information being displayed is for a user-specified time period is met by column 24, lines 28-32 and lines 49-54. Young teaches that the user can specify a time period for display of upcoming information on the background guide. Young further teaches that the user can define favorite channels and define a list of channels (the source) that he/she wants displayed on the background guide.

With regards to claim 33, Young teaches all of that which is discussed above with regards to claim 30. The claimed portion of the upcoming program information including a starting and ending time of the upcoming program is met by Figure 26A and column 24, lines 20-32, wherein Young discloses and shows a starting and ending time for each program.

With regards to claim 34, Young teaches all of that which is discussed above with regards to claim 30. The claimed portion of the upcoming program information

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including a title, the title corresponding to an upcoming program to be shown on the same channel is met by Figure 26A and column 24, lines 20-32, wherein Young discloses that the upcoming listings can be scrolled based on the current channel.

With regards to claim 35, the display for indicating upcoming program information is met as follows: The claimed first image comprising an upcoming program information display options menu, including a plurality of upcoming program information display options, at least one option being selected by a user is met by the background guide setup menu (Figure 25). The background guide setup menu serves to allow the user to set options for the display of background guide information on the screen (column 22, lines 32-49). The claimed input configured to receive user input is met by the Infrared Remote Driver 214 and Remote Control 212 of Figure 22A. The claimed second image comprising the upcoming program information determined by the selected options is met by the background guide screen of Figure 26A. As is discussed in column 22, line 32 – column 24, line 54, the background guide serves to allow the user to view (according to background guide setup options) information for upcoming channels and times.

With regards to claim 36, Young teaches all of that which is discussed above with regards to claim 35. The claimed upcoming program information determined by the selected options including a title, which corresponds to an upcoming program to be shown on the same channel is met by Figure 26A and column 24, lines 20-32, wherein Young discloses that the upcoming listings can be scrolled based on the current channel.

With regards to claim 37, Young teaches all of that which is discussed above with regards to claim 35. The claimed upcoming program information determined by the selected options further including presenting a starting and ending time of the upcoming program is met by Figure 26A and column 24, lines 20-32, wherein Young discloses and shows a starting and ending time for each program.

With regards to claim 38, Young teaches all of that which is discussed above with regards to claim 35. The claimed upcoming program information display options including a source option, such that the user can specify a source for which the upcoming program information is desired, and a time option, such that the user can specify a time period for which the upcoming program information is desired is met by column 24, lines 28-32 and lines 49-54. Young teaches that the user can specify a time period for display of upcoming information on the background guide. Young further teaches that the user can define favorite channels and define a list of channels (the source) that he/she wants displayed on the background guide.

With regards to claim 39, Young teaches all of that which is discussed above with regards to claim 35. The claimed second image being displayed for a specified amount of time, the amount of time being preprogrammed by a user, such that the upcoming program information is no longer displayed after expiration of the specified amount of time is met by Young, column 22, lines 44-47, wherein he discloses that "a session is completed if the background guide has not been accessed for a certain period of time". If the session is completed, it is understood that the background guide is no longer visible after that "certain period of time".

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon whose telephone number is (571) 272-7356. The examiner can normally be reached Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

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Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.


Michael R Shannon

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Examiner
Art Unit 2614

Michael R Shannon
May 20, 2005



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